

REMARKS/ARGUMENTS

These remarks are responsive to the final Office Action mailed March 22, 2006 and notice of appeal filed November 21, 2006. Applicant notes that claims 18-22, 24, 25, 28-29, and 45-54 are pending for examination in this application. A request for continued examination is provided herewith.

Claims

Claims 18-22 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,248,459 to Pate et al. that discloses the use of flexible corrugated conduit sections (10) and straight connector sleeves for a wiring system. In the Office Action, it was asserted that the corrugated sections (10) anticipate the curved elongated bodies having predetermined bends that are recited in claims 18 and 28. Clearly, Pate et al. fails to disclose a guiding and supporting member for maintaining a flexible member at a predetermined minimum bend radius, said guiding and supporting member comprising a curved _tubular elongated body having a predetermined bend between first and second ends, the first end including a collar comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges; wherein the body and collar form of a one piece construction with a guide as recited claim 18.

Since the conduits of Pate are free to assume any one of multiple angles, they do not include predetermined bend as recited in claims 18 and 28. Additional the conduit construction of Pate is not a one-piece construction as recited in claim 18.

Regarding claim 28, Pate fails to disclose a sweep for being used with a guiding and supporting member to maintain a flexible member at a predetermined radius, said sweep comprising a curved elongated body having a predetermined bend, a passageway and first and second ends for being securely retained within an aperture of a respective guide, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and a seat extending between said flanges for removably receiving a portion of the respective guide. There is no sweep in Pate. Furthermore, there is no **guide** as recited. Thus, Pate can not disclose the feature of **“a seat extending between said flanges for removably receiving a portion of the respective guide.”** The Office Action fails to mention or provide any support in Pate for the recited **“guide”**. Pate fails to disclose each and every

feature of the sweep as recited in claim 28. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that “[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art.” *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). In view of the foregoing, claim 28 is allowable. Claim 53 is allowable as being dependent upon base claim 28.

Claim 24-25 and 45-54 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 4,068,705 to Cofer *et al.* Regarding to claim 24, Cofer *et al.* fail to disclose a guiding and supporting member for maintaining a flexible member at a predetermined minimum bend radius, said guiding and supporting member comprising an elongated tubular body having a first end, a second end, the tubular body having a curve between the first end and the second end and at least one roller positioned between said first and second ends on the curve, the tubular body having an opening and a portion of the least one roller extending into the opening, the first end comprises a collar comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges, wherein the tubular body surrounds and encloses a flexible member therein.

For example, Cofer *et al.* is devoid of (1) a tubular body surrounding and enclosing a flexible member therein. There is no disclosure of the recited device features of claim 24. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. Accordingly, claim 24 is allowable. Claim 25 is allowable as being dependent upon base claim 24.

Claim 28-29 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,577,772 to Kaiser. Regarding claim 28, Kaiser fails to disclose a sweep for being used with a guiding and supporting member to maintain a flexible member at a predetermined radius, said sweep comprising a curved elongated body having a predetermined bend, a passageway and first and second ends for being securely retained within an aperture of a respective guide, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and a seat extending between said flanges for removably receiving a portion of the respective guide.

Regarding claim 29, Kaiser fails to disclose a sweep for maintaining a flexible member at a predetermined radius, said sweep comprising an elongated tubular body including a plurality of rollers spaced along its length, a passageway and first and second ends for being securely retained within an aperture of a respective guide, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and a seat extending between said flanges for removably receiving a portion of the respective guide.

There simply is no sweep in Kaiser. Furthermore, Kaiser's embodiments do not have a **guide** as recited. Hence, Kaiser can not disclose the feature of **"a seat extending between said flanges for removably receiving a portion of the respective guide."** The Office Action fails to mention or provide any support in Kaiser for the recited **"guide"**. Kaiser fails to disclose each and every feature of the sweep as recited in claims 28 and 29. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that "[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art." *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). In view of the foregoing, claim 28 and 29 are allowable. The claims depending therefrom are allowable.

Claim 29 and 49-54 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 4,529,171 to Wooddruff. Regarding claim 29, the Office Action has construed element 24 as the recited tubular body. Item 24 is merely a telephone cable.

structure 20. A ferrule 21 crimped to an end of telephone cable 24 facilitates its connection to winch cable 22. As shown in FIG. 1, the telephone cable is being pulled through an underground conduit 26 having an access port or outlet 28. Truck 10 is preferably parked

This view would be improper as it would be not both the recited "sweep" with the elongated body and the "flexible member". Further, there is none of the recited guide and other features. Regarding claim 49, it depends from claim 45 is allowable reasons discussed herein.

Claims 45-54 were rejected as anticipated by US Patent No. 4795108 to Appling. Applicant disagrees with the characterization of the reference. Nevertheless, both references fail to teach or suggest the invention of claim 45. There is no (1) an elongated tubular body defining

a passageway for the flexible member, tubular body being curved at a predetermined radius; (2) at least one roller body disposed along a length of the tubular body; wherein the tubular body has an opening in which at least portion of the roller body extends within the opening so that for the flexible member can travel thereon and a plurality of roller bodies and a guide. Claim 45 is allowable. Claims 46-54 are allowable as being dependent up allowable claim 45 and for further features recited therein.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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